

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

*** MUSCULAR DYSTROPHY ASSOCIATION TELETHON DAY ***

[M11-285]

WHEREAS, the Muscular Dystrophy Association (MDA) assists those affected by neuromuscular diseases in Arizona and beyond. MDA is a voluntary, non-profit health agency established in 1950 that is dedicated to defeating more than 40 neuromuscular diseases through worldwide programs emphasizing research, comprehensive services and far-reaching professional and public health education; and

WHEREAS, Muscular Dystrophy refers to a group of more than 40 neuromuscular diseases characterized by weakness and muscle wasting involving nine forms of muscular dystrophy, including amyotrophic lateral sclerosis (ALS or Lou Gehrig's disease), myasthenia gravis and spinal muscular dystrophy; and

WHEREAS, more than 2,300 families in Arizona receive support from the MDA Labor Day Telethon, the largest MDA fundraiser of the year. Telethon donations are used for advancing MDA research, support groups, and clinics that provide medical support for MDA clients, and help cover the cost of annual MDA summer camps; and

WHEREAS, 76 cents of every dollar raised by MDA goes directly to research, healthcare services and education. The 2010 MDA Labor Day Telethon was extremely successful with over \$58 million in donations.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim September 4, 2011 as

*** MUSCULAR DYSTROPHY ASSOCIATION TELETHON DAY ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this nineteenth day of August in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** POW/MIA RECOGNITION DAY ***

[M11-284]

WHEREAS, throughout American history members of America's armed forces have made uncommon sacrifices as Prisoners of War (POW), serving their country under conditions of extreme hardship, while remaining steadfast even when their treatment violated fundamental standards of morality and international codes of conduct; and

WHEREAS, Americans held as POW and Americans Missing in Action (MIA) have earned our respect for their courage and devotion to duty; and

WHEREAS, we salute our POW who, in the act of serving our Nation, relinquished their freedom to protect the liberty we enjoy; and

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WHEREAS, we also remember those still considered Missing in Action, and the pain and suffering of war that continues for their families and friends and for all of us; and

WHEREAS, because we must not neglect to honor these men and women who have served their country so faithfully, the United States Congress established the third Friday in the month of September as America's Annual National POW/MIA Recognition Day.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim September 16, 2011 as

*** POW/MIA RECOGNITION DAY ***

and call upon all Arizonans to join with other Americans across the Nation in honoring all present and former American Prisoners of War, along with those who are still Missing in Action and the families of our POWs and those MIA; and I call upon state and local officials, active military, national guard and reserves, veterans, historians, educators, and private organizations to observe this day by flying the POW/MIA Flag (the Flag of Hope), and by conducting appropriate ceremonies or activities in honor of these heroes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this nineteenth day of August in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** ASSOCIATIONS IMPACT ARIZONA MONTH ***

[M11-278]

WHEREAS, the community of associations in Arizona consists of more than 1,200 professional, trade, charitable, and educational non-profit organizations; and

WHEREAS, Arizona Associations represent over 100,000 member companies, professionals, and individual business men and women from hundreds of industries, trades, and professions; and

WHEREAS, Arizona Associations' members employ over 400,000 individuals representing a wide range of social, technical and professional backgrounds that make a significant economic and social impact on the State of Arizona; and

WHEREAS, Arizona Associations greatly enhance Arizona by providing a vital role in assisting Arizona in developing a sense of community around working together on a common cause or issue; and

WHEREAS, Arizona Associations provide forums for its members to discuss common ideas, consider common solutions and express their opinions in a collective manner; and

WHEREAS, Arizona Associations educates its members and establishes standards of behavior, codes of ethics, and certifications that help protect the public; and

WHEREAS, Arizona Associations provide a wide variety of opportunities for volunteers to provide valuable community services throughout Arizona.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim the month of September 2011 as

*** ASSOCIATIONS IMPACT ARIZONA MONTH ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

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Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-second day of August in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** DIRECT SUPPORT PROFESSIONALS APPRECIATION WEEK***

[M11-274]

WHEREAS, National Direct Support Professionals Recognition Week is celebrated annually across the country with special events and ceremonies earmarked to honor the tens of thousands of workers who help our citizens with developmental disabilities and their families to live healthy community-oriented lives; and

WHEREAS, the combined efforts of the Arizona Department of Economic Security (DES), the Division of Developmental Disabilities (DDD), the Arizona Association of Providers for People with Disabilities (AAPPD), the Arizona service provider community, and other government and community based organizations statewide are recognizing Direct Support Professionals during this week; and

WHEREAS, annually over 4,000 contracted agencies and individual providers are working with the Arizona Department of Economic Security, Division of Developmental Disabilities, to serve over 30,000 children and adults with developmental disabilities and their families with direct care support to maintain and enhance quality of life; and

WHEREAS, we are encouraging the community to take this week to show direct support professionals serving persons with developmental disabilities how much they appreciate them; and

WHEREAS, by calling attention to the importance of high quality direct care support for all persons with developmental disabilities within our community and State, we endeavor to continuously improve the quality and availability of such services; and

WHEREAS, the future of persons with developmental disabilities depends on the quality of direct support provided from caring and competent direct support professionals.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim September 11-17, 2011 as

*** DIRECT SUPPORT PROFESSIONALS APPRECIATION WEEK ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-second day of August in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** FALL PREVENTION DAY ***

[M11-276]

WHEREAS, falls remain the leading cause of fatal and non-fatal injury for older Americans; and

WHEREAS, falls accounted for 66 percent of unintentional injury deaths among older adult residents of Arizona in 2010; and

WHEREAS, falls threaten seniors' safety and independence and generate enormous economic and personal costs; and

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WHEREAS, falling is not an inevitable result of aging and many falls can be prevented; and

WHEREAS, evidence-based interventions, practical lifestyle adjustments, and community partnerships can substantially reduce the number of falls.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim September 23, 2011 as

*** FALL PREVENTION DAY ***

and urge all citizens to join the Arizona Fall Prevention Coalition in their efforts to educate the public and support and expand evidence-based programs and interventions that help our communities, older adults and their families fight back against falls and address this growing public health issue.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-second day of August in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2011-05

State Regulatory Rule Making Review and Moratorium To Promote Job Creation and Retention

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on June 30, 2012 as a notice to the public regarding state agencies' rulemaking activities.

[M11-234]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent additional and unnecessary burdens on our private sector employers and political subdivisions; and

WHEREAS, other states have since implemented regulatory reviews and moratoriums; and

WHEREAS, the economic climate in Arizona continues to challenge both those seeking employment and our employers, who are the key to increasing job opportunities in this State; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, the Legislature enacted the regulatory review and moratorium for fiscal year 2009 - 2010 by passing House Bill 2008 in the 2009 Third Special Session; and

WHEREAS, the Legislature continued the regulatory review and moratorium for fiscal year 2010 - 2011 by passing House Bill 2260 in the 2010 Second Regular Session; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2011; and

WHEREAS, the expiration of the current regulatory review and moratorium could result in a regulatory explosion detrimental to job creation and retention in this State; and

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby declare that for fiscal year 2011-2012 ending June 30, 2012, the following:

1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.

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2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
 - a. To fulfill an objective related to job creation in this State.
 - b. To lessen or ease a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid a violation of a court order or federal law that would result in sanctions by a court or federal government against an agency for failure to conduct the rule making action.
 - e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable statute or regulation contains a date certain for compliance on or before December 31, 2012 or is necessary under subparagraph (c) of this Paragraph.
 - f. To fulfill an obligation related to fees or any other action necessary to implement the state budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - g. To promulgate a rule or other item that is exempt from title 41, chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - h. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
4. This Order applies to all state agencies, except for: (a) any state agency that is headed by a single elected state official, (b) the corporation commission, or (c) any state agency whose agency head is not appointed by the Governor.
5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making processes.
6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the Office of Governor by July 29, 2011 all pending rule makings and any pending requests to the Office of Governor for rule making.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a state agency.
8. For the purposes of this executive order, "person", "rule" and "rule making" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 30th day of June in the year Two Thousand Eleven and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State